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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,467

04/19/2006

Ari Griffner

4301-1138

7013

466

7590

04/21/2009

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EXAMINER

VESRA, DINESH K

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

04/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/534,467	<b>Applicant(s)</b> GRIFFNER, ARI	
	<b>Examiner</b> Dinesh Vesra	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)                         |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application               |
| Paper No(s)/Mail Date _____  | 6) <input checked="" type="checkbox"/> Other: <u>PCT Publication WO02/22975</u> |

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 1/23/2009. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6, 10-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandl (PCT Publication WO02/22975) in view of Masuki et al. (US Patent 5,156,208).** Jandl discloses a building comprising external wall components (1 – Fig. 19), the wall components being double-walled and comprised of panels (2, 3) joined to one another and spaced at a distance from one another via spacer elements (4), the panels defining a cavity (5 – Fig. 20) within the wall components; and roof components (20 - Fig. 12) connected to the wall components Jandl does not disclose a sill, wall components extending from the sill, or a heat source provided entirely within the sill on which the external wall components stand. Masuki et al. disclose a panel with a sill (14), wall components extending from the sill, and a heat source (23 – Fig. 1) provided entirely within the sill on which the external wall components stand. At the time of the invention, it would have been obvious to one of ordinary skill in the art to

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provide the building of Jandl with a sill and the heating source of Masuki et al. The motivation for doing so would be to provide the wall panels with a base to be seated in, and the building with a means for insulation, as well as a means for heating and cooling the building.

The combination of Jandl and Masuki et al. disclose the building as set forth above wherein the outside wall components stand vertically (1 - Fig. 19 - Jandl); wherein the sill is U-shaped in cross section, wherein the panels of the outside wall components stand vertically on legs of the sill and wherein the legs of the sill point up (14 - Fig. 1 - Masuki et al.); wherein the heat source is rod-shaped (23); wherein the rod-shaped heat source is a pipe and wherein a heating medium flows through the pipe (Column 3, lines 62-67 - Masuki et al.).

With regards to claim 5, using an electrical resistance heating rod or heating wire is an obvious variant of a pipe through which a heating medium flows. It is well known in the art that these two heating means are interchangeable.

Jandl discloses the building as set forth in claim 1 above further comprising ceiling components (20 - Fig. 7) having an area adjoining the external wall components, the area provided with openings (28 - Fig. 7); wherein the ceiling components are comprised of ceiling panels (20 - Fig. 7) and wherein the openings are in the ceiling panels of the ceiling component (Fig. 8); and wherein the roof components are comprised of lower panels (22 - Fig. 10), the lower panels having recesses (28).

**4. Claims 7, 8, and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandl and Masuki et al. as applied to claims 1-6 above, and**

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**further in view of Fiedrich (US Patent 6,330,980 B1).** The combination of Jandl and Masuki et al. disclose the building as set forth above, but do not disclose wherein the rod-shaped heat source is inserted into essentially U-shaped supports which are inserted into the cavity of the sill (14 – Fig. 1 – Masuki et al.) which is open to the top; or wherein there is an insulating layer between the supports and the crosspiece of the sill. Fiedrich discloses a rod-shaped heat source inserted into essentially U-shaped supports (Fig. F) wherein the U-shaped supports are inserted into a cavity of a sill, wherein there is an insulating layer (36) between the supports and the crosspiece of the sill. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the building of Jandl and Masuki et al. with a U-shaped support and insulating layer in view of the teachings of Fiedrich. The motivation for doing so would be to provide a more secure installation of the heat source as well as to prevent any heat loss through the bottom of the sill.

With regards to claims 16-22, the U-shaped holder and the support with the beam are obvious variants well known in the art. Thus it would be obvious to one of ordinary skill in the art to use either the U-shaped support or the support with the beam.

5. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Jandl, Masuki et al. and Fiedrich as applied to claims 1-8 above, and further in view of Sokolean (US Patent 5,799,723).** The combination of Jandl, Masuki et al. and Fiedrich disclose the building as set forth above, wherein the U-shaped supports are provided next to the holding space open to the top (37 – Fig. F – Fiedrich) for the rod-shaped heat source, but do not disclose that end surfaces of the U-

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shaped supports are aligned sloping toward legs of the sill. Sokolean discloses a support for a rod-shaped heat source wherein the end surfaces of the U-shaped supports are aligned sloping toward legs of a sill (4 - Fig. 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the building of Jandl, Masuki et al. and Fiedrich with the end surfaces of the supports sloping toward the sill in view of the teachings of Sokolean. The motivation for doing so would be to assist in aligning the wall panels when positioned above the sill, as it is well known in the art to use a sloped surface to assist in aligning or positioning elements.

6. **Claims 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandl, Masuki et al. and Fiedrich as applied to claims 1-8, 10-11, and 13 above, and further in view of Kesting (US Patent 4,856,238).** Jandl, Masuki et al. and Fiedrich disclose the building as set forth above, but do not disclose wherein the side ends of the ceiling component and roof elements are closed; and wherein the sealing panels are flush with the outer panels of the wall components. Kesting discloses a building composed of hollow components wherein the side ends of the ceiling components are closed (78- Fig. 10) and the side ends of the roof elements are closed (see Fig. 8); and wherein the sealing panels are flush with the panels of the wall components (see Fig. 8 and 10). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the building of Jandl, Masuki et al. and Fiedrich with sealing panels that are flush with the outer wall of the building in view of the teachings of Kesting. The motivation for doing so would be to provide better

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insulation of the building by not allowing the air to escape and the sealing panels would be flush with the outer wall for aesthetic purposes.

### ***Response to Arguments***

7. Applicant's arguments filed 1/23/2009 have been fully considered but they are not persuasive. Applicant has argued that the Masuki et al. reference does not teach a heat source for supplying heat into a cavity formed by the panels of external wall components standing on a sill or the heat source being provided entirely within the sill. Examiner maintains that Masuki et al. does in fact teach these limitations as addressed above. Masuki et al. disclose wall components (13) standing on a sill (14) with a heat source (23) provided entirely within the sill. Although the heat is also sent through pipes (16), the source of the heat comes from the cooling and heating fluid feed and discharge pipes (23) as discussed in Column 3, lines 62-67 of the specification, which are provided entirely within the sill. Applicant further argues that Masuki et al. teach a panel in a room, not behind a wall. However, Jandl teaches a wall panel and the Masuki et al. reference is providing the teachings of a panel heating configuration which could be applied to the wall panel of Jandl. Applicant yet further argues that the Masuki et al. reference does not teach anything suggesting that the heat-transfer pipe would be effective as a heat source contained within the panel body. It would be obvious that a cooling and heating fluid feed discharge pipe could serve as a heat source. That is not to say whether or not the pipe would be effective as a heat source, but it is capable of serving as such.

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8. Applicant's arguments, filed 1/23/2009, with respect to the claim objections and the USC 112, Second Paragraph have been fully considered and are persuasive. The objections and 112, second paragraph rejections of claims 13, 14, and 1 have been withdrawn.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh Vesra whose telephone number is (571) 270-



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5221. The examiner can normally be reached on Monday - Thursday 9:00 a.m. - 7:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinesh Vesra/  
Examiner, Art Unit 3633

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633